

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

20 July 2022

Council Meeting No. 473
Council Chambers, Leongatha
Commencing at 2:00pm



agenda



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle

OUR COUNCIL VISION

We care deeply about our people, the land and future of South Gippsland.

Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



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A copy of this Policy is located on Council's website www.southgippsland.vic.gov.au.

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No. 473 of the South Gippsland Shire Council will be held on Wednesday 20 July 2022 in the Council Chambers, Leongatha commencing at 2.00pm

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Kerryn Ellis
Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

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Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

COVID Safe Plan

Council Meetings are conducted in line with Council's *COVID Safe Plan*.

Public Questions

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

1.3. OPENING PRAYER

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

1.5. APOLOGIES

Councillor Clare Williams was granted leave of absence from this Meeting at Council Meeting 29 June 2022.

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 472, held on 29 June 2022 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- Preparing Reports for Meetings
- Exercise of Delegated Power
- Exercise of a Statutory Function

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from Council's Policies webpage.

2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES

2.1. PROPOSED SALE - 630 MARDAN ROAD, KOOROOMAN - CONSIDERATION OF SUBMISSIONS

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Connecting our People and Places

Providing continuous improvement via our road management and land use planning will deliver effective community outcomes.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the submissions received on the proposed sale of 630 Mardan Road, Koorooman for the purposes of a cattle underpass and determine an outcome to the proposal.

RECOMMENDATION

That Council does not proceed to sell 630 Mardan Road Koorooman for the purposes of a cattle underpass as it is possible for the proponent to install an underpass directly via their own property.

REPORT

Background

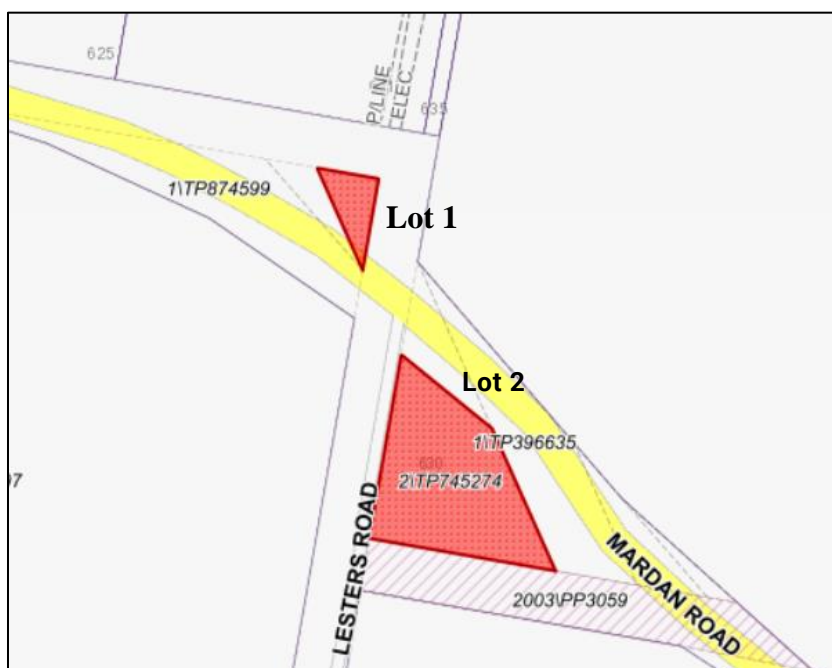
Council received correspondence from the owners of 631 Mardan Road Koorooman (also owners of other farming properties within the vicinity), requesting that Council sell them 630 Mardan Road Koorooman for the purposes of constructing a cattle underpass for a safer crossing for their cattle between their properties on either side of Mardan Road – refer to **Attachment [2.1.1]**.

Council purchased the land known as 630 Mardan Road Koorooman from the ancestor of the owners of 631 Mardan Road Koorooman for road realignment purposes in 1909 – refer to **Attachment [2.1.2]**.

No. 630 Mardan Road Koorooman is currently in one certificate of title volume 3403 folio 496 that includes two allotments (refer to reference shading in **Figure 1** below, being Lot 1 TP745274 situated on the northern side of Mardan Road

and Lot 2 TP745274 on the southern side of Mardan Road. It is the southern allotment that is proposed for sale – refer to **Figure 1**.

Figure 1 – 630 Mardan Road (Lot 1 and 2 TP745274)



Discussion

At the 16 February 2022 Council Meeting, Council resolved to commence the statutory procedure to sell 630 Mardan Road Koorooman to the adjoining owners and give public notice of the Proposal inviting written submissions from the community by 5.00pm Wednesday 23 March 2022.

In response to the public notice, Council received a total of 27 submissions from the community (21 in support and 6 submissions objecting to the proposal). Of these, three submitters indicated that they wish to speak to Council in support of their submission and were heard by Council on 11 May 2022.

Hearing of Submissions – 11 May 2022

The following three community members requested to be heard by Council at the submission hearing. Of these, two objected to the proposed sale and 1 was in support – refer to **Attachment [2.1.3]**.

1. Wendy McIndoe, Mardan Road (objection to the proposal)

Mrs McIndoe agrees that an underpass is needed by the Lester's to transfer stock from between their properties on either side of Mardan Road, but suggests that the underpass be situated directly to their properties and the acquisition of 630 Mardan Road is not required.

Mrs McIndoe refers to 630 Mardan Road Koorooman as crown land. Please note that the land is Council freehold land and not crown land. Mrs McIndoe suggests that if the land is sold, the future use of Lesters Road (unused road) will be compromised due to large mobs of sheep and cattle being herded along the road.

Mrs McIndoe has requested that her and her husband Craig purchase 630 Mardan Road Koorooman for Council to achieve revenue for more urgent projects and for the preservation of the wild life corridor and legacy of "Watsons Park".

2. Craig McIndoe, Mardan Road (objection to the proposal)

Mr McIndoe is a fourth generation farmer within the area and claims that his property abuts the crown land to be sold. 630 Mardan Road Koorooman is not crown land but Council freehold land, however, there is crown land that is not for sale between the boundary of Mr McIndoe's property and 630 Mardan Road Koorooman. Mr McIndoe states that alternate sites for the underpass need to be explored and consulted with the adjoining landowners before the sale of 630 Mardan Road is considered.

Mr McIndoe states that if 630 Mardan Road was sold for the purpose of an underpass, it would be a biosecurity and disease risk to his farm, "Watsons Park" that was established by the previous owners of his farm would be lost, Lester's unused road would be used to traverse stock reducing access to the road by neighbouring properties, and the construction of an underpass at 630 Mardan road would disadvantage his property and requests that he purchase the land.

3. Warren Lester, Mardan Road (supports the proposal)

Warren Lester is a fourth generation family farmer working the land of 570 and 631 Mardan road Koorooman. The two properties were once adjacent properties before Mardan Road was realigned in the early 1970's. Mr Lester frequently uses Mardan road to convey stock from property to the other property which is an extremely dangerous task for workers and family members trying to control traffic and stock whilst crossing the road. To provide safety to road users, employees, and family members, Mr Lester proposes to buy 630 Mardan Road Koorooman for the purposes of an underpass.

Mr Lester suggests most of the vegetation on the land is wild self-sown pittosporum with some nice English style trees throughout the parcel of land. Mr Lester suggests that none of the English style trees need to be removed to make way for the proposed lane way and underpass that would

go along the south side of the property boundary. The north boundary being the road side would remain relatively untouched meaning most motorists will barely notice the proactive development given the density of the tree line.

Summary of all submissions

All 21 submissions in support of the proposal to sell 630 Mardan Road Koorooman for the purposes of a cattle underpass, are based around the safety of the road users, the Lester's, and their employees. Further to Warren Lester's submission, there were 20 other submissions supporting the proposal – refer to **Attachment [2.1.4]**.

Apart from Wendy and Craig McIndoe's submission, there were four other submissions objecting to the proposal based on the flora and fauna on the site and the legacy to the Watson's who planted out the Council land some 60 years ago – refer to **Attachment [2.1.5]**.

ASSESSMENT OF OPTIONS

Officers met with the proponent on site to assess options for the positioning of an underpass and acknowledged the safety concerns of not only crossing livestock but crossing over Mardan Road to Lesters Road with tractors.

It is possible to place an underpass directly from the Lesters property in two separate positions shown on the map below, however, this would not resolve the tractor crossing.

Figure 2 – Aerial of 630 Mardan Road (Proposed New Cattle Underpass



Mr Lester showed Council Officers various options for the position of the underpass within 630 Mardan Road Koorooman which may have merit, but no design drawings have been prepared, and the loss of vegetation may occur due to disturbance of tree roots. This proposal would still require livestock to cross Lesters Road which may be required to be open for public traffic given Lesters Road is the only abuttal to an allotment further south. If Mr Lester could acquire 630 Mardan Road Koorooman, he believes a safer crossing for his tractor would alleviate his concerns for his and his families safety when farming both sides of Mardan Road.

CONSULTATION / COMMUNITY ENGAGEMENT

Internal

Council's Strategic Planning Coordinator and Council's Biodiversity Supervisor has assessed the site and Proposal. It has been advised that if the land is sold to the proposed purchaser, the land should be consolidated into their certificate of title.

Council's Asset Engineer has determined that the southern parcel of 630 Mardan Road Koorooman is surplus to the needs for Mardan Road to function as a public road open to traffic.

Council officers have met on site with the proponent to assess all options for the positioning of a cattle underpass.

External

In accordance with section 114 of the *Local Government Act 2020*, Council must undertake a community engagement procedure in accordance with its *Community Engagement Policy (C06)*. The community engagement procedure for the sale of Council land has remained similar to the former legislation from the *Local Government Act 1989* whereby Council calls for public submissions regarding the proposal and allows 28 days for the public to submit those submissions.

Submissions were received and those who elected to speak to their submission were heard by Council on 11 May 2022. Abutting landowners were also notified of the proposal.

RESOURCES / FINANCIAL VIABILITY

If 630 Mardan Road Koorooman is sold, Council would receive the revenue which is not allocated in the Budget.

RISKS

If Council does proceed with the sale of land for the purpose of an underpass it can't be certain that the vegetation and or tree roots would not be damaged due to the excavation required and Livestock would still be required to traverse Lesters Road.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Request to Purchase - 630 Mardan Road, Koorooman [2.1.1 - 1 page]
2. Transfer of Land - 630 Mardan Road, Koorooman [2.1.2 - 5 pages]
3. Submissions - Heard 11 May 2022 - 630 Mardan Road, Koorooman [2.1.3 - 6 pages]
4. Submissions - Not Heard (Support) - 630 Mardan Road, Koorooman [2.1.4 - 21 pages]
5. Submissions - Not Heard (Object) - 630 Mardan Road, Koorooman [2.1.5 - 5 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Council Land Ownership Policy (C34)

3. OBJECTIVE - ECONOMY AND INDUSTRY

3.1. ARTS, CULTURE AND CREATIVE INDUSTRY STRATEGY 2022-2026

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective – Economy and Industry

This report relates to the Council Plan Priority - Implement our Economic Development, Visitor Economy and Art, Culture and Creative Industries strategies to strengthen our economic output, jobs and creative industries.

Under Major Initiatives - Implement the annual actions of the Arts, Culture and Creative Industries Strategy.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with the final South Gippsland Arts, Culture and Creative Industries Strategy 2022-2026 (Strategy) for consideration and determination (refer **Attachment [3.1.1]**).

The Strategy has been developed with the assistance of arts sector specialists, the Cultural Development Network (CDN), who have undertaken significant community and stakeholder engagement in its development.

RECOMMENDATION

That Council adopts the South Gippsland Arts, Culture and Creative Industries Strategy 2022–26 (Attachment [3.1.1])

REPORT

Council’s existing Arts, Culture and Creative Industries (ACCI) Strategy 2017-2021 concluded last year, requiring the need for a new Strategy, as outlined in the Council Plan 2020–2024.

The existing ACCI Strategy 2017-2021 has successfully led South Gippsland’s arts and culture sector towards new collaborations, opportunities, ideas and programs, both locally and beyond.

The development of a new Strategy will continue to support, develop and promote a 'point of difference' as a rural council offering small scale, decentralised, unique and often intimate experiences in a thriving arts scene.

Arts, Culture and Creative Industries Strategy 2022-2026

The new Strategy is intended to connect to and support Council's recently adopted Economic Development and Visitor Economy Strategies 2021-2031, particularly in relation to brand identity, creative economies, cultural assets and events management.

Arts sector specialists were engaged in December 2021 to partner with Council to develop and deliver the new ACCI Strategy. The objective was to develop a new Strategy with an associated Action Plan that will guide the development of the sector from 2022–2026.

The Strategy has responded to the unique social, cultural, economic, and geographic characteristics of South Gippsland and aims to build on the innovative community-based approaches to Arts development the Shire has established as a result of the previous Strategy.

Strategy Development

The findings and learnings from the initial community engagement stages and draft Strategy exhibition process have helped inform the themes and actions in the Strategy. The actions identified in the Strategy will align to the themes of the new Council Plan 2022-2026 adopted by Council at the 29 June 2022 Council Meeting.

The Strategy is a planning tool providing Council with a clear set of priorities for the enhancement of arts, culture and creative industries facilities and initiatives across the Shire over the next four years.

It presents an opportunity for Council to reconnect with the creative community in the region, understand the depth and breadth of practice and the changes that have occurred because of the pandemic.

A key responsibility of Council is its investment in the development and maintenance of community-owned infrastructure. Council will need to consider the future of some of the cultural heritage facilities and sites within the Shire, including for example, further investigative work for Coal Creek Community Park and Museum and Leongatha Memorial Hall.

This will need to include a clear position on the purpose of each asset for the community and the Shire, incorporating community benefit, cultural activation, tourism attraction and job creation.

The Strategy is structured to reflect the Council Plan's themes which are:

- Connecting Our People and Places
- Economy and Industry
- Healthy and Engaged Communities
- Leading with Integrity
- Protecting and Enhancing Our Environment
- Sustainable Growth

Community feedback of Draft Strategy

The Strategy has recently been out for public exhibition, requesting feedback from the community, including the local arts sector. Responses included 30 written submissions, as well as several verbal comments and statements.

Overall, feedback was positive and supportive of the Draft Strategy with submitters appreciating the opportunity to contribute beyond the initial engagement opportunities.

Most of the feedback has been incorporated into the final Strategy document, and these are listed below. Some of the comments were aligned with specific aspects of the Strategy, in particular, the actions.

Key themes that were identified in the submissions include:

- Strong support for the establishment of an Arts Network/ Advisory Group and the formation of focus groups.
- Support for refurbishing of Leongatha Memorial Hall as an arts performance space that is flexible to the community needs.
- Support for Small Halls (this aspect of the Strategy is logistically difficult to include broad reaching support measures as only 13 halls are Council-owned. We described any measures of support for Halls in generic terms).
- Need for the inclusion of marginalised people (socio economically disadvantaged, people living with disability, other marginalised groups) when referencing community engagement and the arts.
- Increase reference to supporting disabled artists and associated infrastructure and facilities. There is also great concern over the use of the term 'naturally inclusive'.

- The Draft Strategy did not have a Council Vision and was lacking in clarity or specific, measurable, achievable, realistic and time bound outcomes.
- The Strategy should reference that nearly all arts organisations are run by ageing volunteers and recognise their contribution. There is a need to provide support and training to assist committees.
- Facilities and resources focussed around the two largest towns within the Shire and could have had greater focus on other facilities.
- Include a reference to evaluation of Councils previous *Arts, Culture and Creative Industries Strategy 2017-2021*.
- Emphasise the economic importance of the arts in our region.
- Supportive of including creative and young people in council infrastructure planning.
- Supports better integration of creative thinking and practice within Council.
- Support for the Shire known for its quality, smaller galleries and multipurpose art spaces.
- Support for identifying or engaging with youth.
- The need to coordinate events and activities across the Shire.

Changes to the Draft Strategy

Council received a lot of valuable feedback as a result of the Public Exhibition period with the following changes included in the final version of the Strategy:

- Redefined 'Purpose' of the Strategy.
- Inclusion of 'Strategic Actions' with more specific, measurable outcomes.
- Inclusion of a 'Vision'.
- Inclusion of specific reference of support for disability community within the arts:
 - Align with current and new iterations of Council's Municipal Public Health and Wellbeing Plan and reduce barriers to participation in arts and cultural activities.
 - Actively support local groups and initiatives to provide accessible services and opportunities for creatives of all abilities.

- Stronger emphasis on support for volunteers
 - Council recognises the pivotal role of volunteers in arts and culture activities across the Shire, and the need for small organisations to attract participation from younger generations for the future.
- Stronger emphasis on support for young people
 - Run programs with Council funded organisations to encourage pathways for emerging creative leaders to gain essential governance and organisation skills.
 - Deliver youth focused programs that provide mentorship, training, skills development and opportunities to participate in the creative industries sector.
 - Build on Council support of the FReeZA program.
- Stronger emphasis on support for smaller townships and communities
 - Develop hybrid and immersive cultural experiences across the Shire that activate new spaces for daytime and night-time economies.
 - Investigate models towards a successful industry network, including creative hubs.
 - Develop placemaking strategies and promotions involving local creatives to establish a 'vibrant village' network.
- Stronger emphasis on support for galleries
 - Review support mechanisms for the vibrant galleries network in the region.
- Greater alignment with the Visitor Economy Strategy in terms of cultural tourism and events
 - Continue to support local events, event attraction and cultural tourism development through our partnership with Destination Gippsland.
 - Develop an Events Policy that supports the growth of cultural event tourism in the region.
- Leongatha Memorial Hall's possible renovation referred to as a 'performing arts space', as opposed to a performing arts centre (PAC) whilst acknowledging the importance of facilities such as the Foster War Memorial Arts Centre (FWMAC).

- Stronger emphasis on the inclusion of artists in Council processes and planning
 - Embed artists as key stakeholders into the early stages of development of Council cultural infrastructure projects for maximum impact.
- Greater emphasis on cultural organisations, i.e., Foster Museum
 - Support and promote our smaller, community run cultural institutions throughout the Shire.

CONSULTATION / COMMUNITY ENGAGEMENT

Community Engagement

The first round of community engagement process undertaken for the development of the Draft Strategy included consultation with arts and culture peak bodies and community stakeholders. In all, 84 people were engaged across 42 sessions and interviews. There were also eight written submissions leading to a total of 92 engagements for the initial process.

On the 20 April 2022, Council endorsed the Draft Strategy for community feedback from 21 April to 15 May 2022 with 30 written submissions, as well as several verbal comments received. Statements regarding the content of the Strategy were also recorded by Officers at the Tea Cosy Festival and Kongwak Market as part of the Council Integrated Planning process along with the quarterly Council facilitated Halls Network meeting.

The Shaping South Gippsland community feedback was also considered alongside this targeted consultation. Community feedback collected during Shaping South Gippsland relating to Arts and Culture was collated and fed into the ACCI Strategy development.

This allowed for further feedback from the broader South Gippsland community and it was pleasing to see a large response with submissions adding value to the final document.

RESOURCES / FINANCIAL VIABILITY

The development of the Arts, Culture and Creative Industries Strategy 2022-2026 (**Attachment [3.1.1]**) has been allocated within the 2021/22 Annual Budget.

Funding of \$50,000 in 2022/23 budget has been allocated to implement actions from the Strategy. In addition to existing resources, other significant actions may be subject to future budgets.

Council has allocated funds in Infrastructure Planning to investigate options for the renewal of Leongatha Memorial Hall, taking into account, community and performing art space needs, and heritage considerations.

RISKS

The Draft Strategy has been promoted for community feedback and will now be considered for adoption by Council as a final document. If not supported, proposed actions from the Strategy cannot commence and would delay opportunities to further support arts and creative industries in our community.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Arts, Culture and Creative Industries Strategy 2022-2026 [3.1.1 - 30 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Arts and Culture Policy (C03)

Arts, Culture and Creative Industry Strategy

Annual Budget

Coal Creek Community Park Museum and Collection Policy (C05)

Community Engagement Policy (C06)

Council Plan 2022-2026

Regional, State and National Plan and Policies

Gippsland Destination Management Plan - Towards 2030 - A Blueprint for Growth (Destination Gippsland)

3.2. ECONOMIC DEVELOPMENT AND VISITOR ECONOMY STRATEGIES - IMPLEMENTATION PROGRESS REPORT - JULY 2022

Directorate:	Economy and Community
Department:	Economy, Community and Investment

Council Plan

Objective – Economy and Industry

This report relates to the Council Plan Priority - Implement our Economic Development, Visitor Economy and Art, Culture and Creative Industries strategies to strengthen our economic output, jobs and creative industries.

Under Major Initiatives - Implement the annual action plan of the 2021–2031 Economic Development Strategy and Implement the annual action plan of the 2021–2031 Visitor Economy Strategy to encourage tourism and visitation across the Shire.

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the Year One actions implemented from Council's Economic Development and Visitor Economy Strategies, which were adopted by Council on 21 July 2021.

Officers recommend Council note the actions achieved in 2021/22 from the *Economic Development and Visitor Economy Strategies* and receive a Council report by 31 August 2023 on Year Two actions.

RECOMMENDATION

That Council:

- 1. Notes the Year One implementation actions of the Economic Development and Visitor Economy Strategies; and**
- 2. Receives a future report before the end of August 2023 on the Year Two implementation of actions from the Economic Development and Visitor Economy Strategies.**

REPORT

BACKGROUND

Council developed the *Economic Development and Visitor Economy Strategies* (the Strategies) in consultation with the Economic Development and Visitor Economy Strategy Advisory Groups (the Groups).

The Group's members include highly skilled and knowledgeable experts who provided key strategic advice and expertise in the Strategies development.

The Strategies development was supported by an extensive consultation and engagement campaign that ensured the community, including residents, visitors, and other stakeholders, could provide input to help define the key themes and priorities in the Strategies.

The Strategies are action oriented but designed to be flexible to allow Council to respond to current and future demands and opportunities for South Gippsland. This was evident with the need for Council to respond to the impacts caused due to COVID-19 pandemic and provide additional support to businesses through the *COVID-19 Community Support Program* and implement actions from the State Government's Outdoor Dining and Outdoor Activation Grants.

An initial overview and introduction to the two Strategies was presented at a Councillor Strategic Briefing in December 2021 with a further progress update on actions completed, provided to Councillors in May 2022.

DISCUSSION

The implementation of the Year One actions for each Strategy has occurred, while also providing a sustained and evolving response to the impacts of COVID-19.

This has seen some sectors and individual businesses facing significant challenges, notably hospitality and retail.

Overall, the economy has demonstrated great resilience and continued to grow. South Gippsland retained the lowest unemployment rate in Gippsland at 3.9 per cent for the December Quarter 2021, which is also significantly lower than the Victorian average of 5.1 per cent.

Figures available from REMPLAN economic modelling on the local economy for 2021 (the latest available) show an increase in the Gross Regional Product of 1.2 per cent from 2020 and an increase of Economic Output of 3.2 per cent to \$4 Billion.

Spending data shows an increase in local consumer spend from pre-COVID-19 levels that is strongly tied to retention of local residents and increased visitors from Melbourne as restrictions eased.

The Strategies are built around six strategic themes. Below are highlighted actions commenced or completed within each of the themes in the last twelve-months. A full table of actions from the two Strategies with updates has been attached (**Attachment [3.2.1]**)

Visitor Economy Strategy

Increasing marketing and promotion

- Development of Great Southern Rail Trail Visitor Experience and Marketing Plan.
- Commencement of the development of a South Gippsland place brand.
- Development of a new promotional website to attract visitors to South Gippsland www.visitsouthgippsland.com.au .
- The creation of the Grand Ridge Road brochure and map, available through Gippsland Visitor Information Centres.
- Development of a series of Podcasts featuring local residents to promote the value of living in South Gippsland.

Supporting visitor economy infrastructure

- Commenced development of the public art along the Great Southern Rail Trail—Art Cubes currently being designed as part of the Community Support Package and Outdoor Activation Grant
- Successful grant application through the Destination Charging Across Victoria (DCAV) Program for 50kW (kilowatt) charging stations in Korumburra, Leongatha and Foster.
- Successful grant applications through the Australian Governments Building Better Regions Fund and the Victorian Governments Regional Infrastructure Fund for the redevelopment of the Great Southern Rail Trail Rail Precincts (Leongatha and Korumburra).

Diversifying and expanding products and experiences

- Redevelopment of the South Gippsland Arts, Culture and Creative Industries Strategy.
- Participation with Events Gippsland through annual financial contribution to develop and attract regional events to South Gippsland.

Enhancing visitor servicing

- Creation of an online training program to broaden the knowledge of local businesses and create tourism ambassadors.
- Continued operation of the Prom Country Visitor Information Centre in Foster, including re-opening to public post-COVID-19 restrictions.

Building partnerships

- Continued collaboration with key stakeholders including Visit Victoria, Arts Victoria, Destination Gippsland and Parks Victoria.
- Actively participated in industry specific groups, forums and expos.
- Advocated for representation of South Gippsland in the Gippsland Destination Management Plan and One Gippsland Priorities Projects.

Providing business development and support

- Providing opportunities for local businesses to increase their knowledge and skills, information disseminated through the monthly Business, Arts & Tourism newsletters.
- Delivering of training programs, including the Gippsland Digital Maze program.

Economic Development Strategy

Attracting and retaining investment

- Commenced the development of an Industrial Land Supply Study to be completed in 2023/24.
- Ongoing delivery of Business Concierge and Better Approvals Program to assist businesses through the regulatory process. Of particular note are the number of new businesses that have been assisted with opening in Bair Street Leongatha, which follows the completion of the street's revitalisation works completed during the year.

Supporting enabling infrastructure

- Assistance for a range of businesses with significant grant applications.
- Advocacy on freight transport and telecommunications issues. For example, Leongatha and Mirboo North will receive NBN upgrades of Fibre-to-Premises and Walkerville will receive a new mobile phone tower. Advocacy in these areas will continue to be a key focus for Council.
- Funded an investigation of potential sewerage solutions for Fish Creek.
- Hosted one of the quarterly conferences of the South East Australian Transport Strategy and participated in the group's advocacy work.

Developing key industry sectors

- Small business support through activities such as, the Small Business Mentoring Service, Small Business Bus and Small Business Victoria Workshop Program.
- Developing a program to support local food hubs with COVID-19 Community Support Program allocated funding awarded to Grow Lightly and the Prom Coast Food Collective.

Building partnerships

- Continued collaboration with key stakeholders including Regional Development Victoria, Invest Victoria, Small Business Victoria and many more.
- Local businesses achieved considerable regional and state awards such as the Gippsland Business Awards, Food and Fibre Gippsland Awards and Mainstreet Australia. This included Marty Thomas from Meeniyah winning the “Mainstreet Champion Award” for Victoria following his nomination by Council and Gurneys Cider winning the Gippsland Agribusiness of the Year.
- Supported an additional Environment Health Officer through funding provided by the Victorian Government which also assisted provision of COVID-19 information.
- With the reduction of COVID-19 restrictions, Officers undertook a program of main street business visitations and engagement with our Business Associations.

Building capacity

- Strong participation of local businesses in the Start-up Gippsland Program that assists local entrepreneurs. Three businesses are participating in the current round of the program.
- Establishment of a Business Grant Finder website that allows businesses to search for grants available for their sector and location.
- Business attraction and expansion through identified support with business grant funding applications. A number of these grants are waiting for formal announcements from the funding bodies.
- Development of the Social and Affordable Housing Strategy.
- Supported the Cows Create Careers educational program.

- Presented at and supported the Foster Secondary College Careers Expo.
- Conducted workshops with GROW Gippsland to build local procurement opportunities.
- Working group members for the development of the Gippsland Drought Resilience Plan, the first to be developed in Australia.

Enhancing towns and main streets

- Establishment of the Shop Local Program that has been rolled-out widely across the Shire.
- Roll-out of two rounds of the Victorian Government's Outdoor Activation Program, including delivery of outdoor seating, local event support, marketing, business fee waivers and main street footpath cleaning.

CONSULTATION / COMMUNITY ENGAGEMENT

An initial overview and introduction to the two Strategies was presented at a Councillor Briefing in December 2021 with a further briefing in May 2022 outlining the Annual Actions for year one.

Extensive community engagement was undertaken for relevant actions of the implementation including the development of the Great Southern Rail Trail Visitor Experience and Marketing Plan and the South Gippsland Arts, Culture and Creative Industries Strategy.

RESOURCES / FINANCIAL VIABILITY

Resourcing the implementation of the Strategies is considered as part of the annual Financial Budgets.

RISKS

Implementation of the Strategies allows Council to plan for and mitigate against the risks to our economy into the future. The Strategies have been developed with the flexibility to create a responsive approach to the economic, natural and policy changes that will occur over the next ten-years.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Economic Development and Visitor Economy Strategies - Implementation Progress Report - July 2022 [3.2.1 - 20 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Economic Development and Tourism Strategy

Council Plan 2022-2026

Regional, State and National Plan and Policies

Gippsland Destination Management Plan - Towards 2030 - A Blueprint for Growth (Destination Gippsland)

Gippsland Food Plan, March 2014

Gippsland Regional Growth Plan, State Government Victoria

4. OBJECTIVE - HEALTHY AND ENGAGED COMMUNITIES

4.1. PROPOSED DRAFT MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2022-2025 - FOR PUBLIC EXHIBITION

Directorate:	Economy and Community
Department:	Economy, Community and Investment

Council Plan

Objective - Healthy and Engaged Communities

The development of the Municipal Public Health & Wellbeing Plan 2022-2025 is consistent with the Council Plan Priority - Advocate for improved health services for our community.

Under Major Initiatives - Develop and implement the 2022–2025 Municipal Health and Wellbeing Plan and include Council’s Disability Action Plan.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with the Draft Municipal Public Health and Wellbeing Plan 2022–2025 (Draft Plan) for endorsement for community consultation (**Attachment [4.1.1]**).

The Draft Plan has been developed to support good health and wellbeing of the South Gippsland community and visitors to our area and outlines the priorities and actions for delivery of services, programs and partnerships, of Council and external organisations.

Community submissions will be considered by Council prior to the final document being presented to Council for consideration. Council will give public notice of the release of the Draft Plan and publish it on Council’s website. A number of community engagement methods will be provided to ensure the community is supported to provide input from 20 July 2022 to 3 August 2022.

RECOMMENDATION

That Council:

- 1. Endorses the Draft Municipal Public Health and Wellbeing Plan 2022-2025 contained in Attachment [4.1.1] for community consultation; and**

- 2. Approves the commencement of the final stage of community engagement from 20 July 2022 to 3 August 2022 for the Draft Municipal Public Health and Wellbeing Plan 2022-2025, in accordance with the Community Engagement Strategy 2020–2024.**

REPORT

The *Public Health and Wellbeing Act 2008* directs each Victorian Local Government Authority to prepare a four-year health and wellbeing plan within twelve-months of Council elections.

The *Public Health and Wellbeing Act 2008* specifies that a Municipal Public Health and Wellbeing Plan (Plan) is required to reference priorities of the *State Health and Wellbeing Plan 2019–2023*, local health and wellbeing data and include strategies to address climate change and prevention of family violence.

South Gippsland's Draft Plan has been developed with guidance from the local community, health service providers and partner organisations.

Priorities and actions in the Draft Plan have been informed by extensive community consultation undertaken as part of the process for development of the Council Plan and Community Vision and an extensive stakeholder consultation process.

Council undertook stakeholder consultation and a review of key documents with the support of an external consultant.

Surveys and interviews with internal and external stakeholders were compiled and included information from the South Gippsland Regional Profile and community survey.

Priorities with the Council Plan, South Gippsland health and wellbeing data, and the Victorian Health and Wellbeing Plan were also considered.

The consultant development support summary identified key themes during the consultation and review process included:

- Improving mental wellbeing;
- Increasing active living;
- Tackling climate change;
- Preventing all forms of violence;
- Increasing healthy eating; and
- Reducing injury.

The Draft Plan sets out broad strategic directions, priorities and actions to support improved health and wellbeing for the South Gippsland community bringing the above themes together in five priorities.

These are identified in the Draft Plan as:

- Equity;
- Improving Mental Wellbeing;
- Increasing Healthy and Active Living;
- Increasing Healthy Eating; and
- Tackling Climate Change.

Under each of these priorities, strategies provide additional detail for local action.

The Draft Plan will provide guidance to Council and a broad range of health and wellbeing service agencies and partners.

CONSULTATION / COMMUNITY ENGAGEMENT

Engagement with stakeholders and feedback through the Council Plan and Community Vision engagement contributed to the development of the Draft Municipal Public Health and Wellbeing Plan.

Council will consider further community feedback of the Draft Plan from a number of engagement methods through the feedback period from 20 July 2022 to 3 August 2022.

RESOURCES / FINANCIAL VIABILITY

Development and implementation of the *South Gippsland Municipal Public Health and Wellbeing Plan 2022-2025* is resourced through existing budgets.

RISKS

If the Draft Plan is not supported by Council for public exhibition, there is a risk that the project may not be completed by the intended October 2022 timeframe.

The *Public Health and Wellbeing Act 2008* directs each Victorian Local Government Authority to prepare a four-year health and wellbeing plan within twelve-months of Council elections. A Municipal Public Health and Wellbeing Plan must be endorsed by Council by October 2022.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Municipal Public Health and Wellbeing Plan 2022 - 2025 - Proposed Draft - July 2022 [4.1.1 - 21 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Council Plan 2022-2026

Municipal Public Health and Wellbeing Plan

South Gippsland's Good Governance Framework

Legislative Provisions

Local Government Act 2020

Public Health and Wellbeing Regulations 2019

4.2. UPDATE TO LIBRARY AGREEMENT WITH MYLI - MY COMMUNITY LIBRARY LTD

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Healthy and Engaged Communities

Council's library service is a valued means of providing information and inspiration to the South Gippsland community. The service is delivered in partnership with Bass Coast and Baw Baw Shire Councils. All three Councils are considering the request sought by My Community Library Ltd (Myli).

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration of the admission of new member Councils to Myli and a variation to the Library agreement which includes a new funding formula. The report also provides Council with an update on the ongoing due diligence being undertaken by MyLi - My Community Library Ltd.

RECOMMENDATION

That Council having considered the recommendations from the Board of Myli – My Community Library Ltd (Myli), resolves to endorse the:

1. ADMISSION OF NEW COUNCILS TO MYLI

That, if a fourth or subsequent Council is approved by the Board of Myli:

- a. to be a Member of Myli in accordance with Myli's constitution; and**
- b. has executed a Gift and Transfer Deed in substantially the form executed by the existing Member Councils gifting that Council's library assets to Myli.**

the Myli Board be given delegated authority to execute all documents and do all things necessary to admit a new Council as a party to the Library Agreement, including without limitation executing a Deed of Accession on behalf of Council to take effect on the date the new Council becomes a Member of Myli.

2. DEED OF VARIATION

That Council enter into a Deed of Variation in the form attached (Attachment [4.2.1]) to these resolutions which:

- a. is conditional upon and does not take effect unless and until the Myli Board approves the admission of a fourth Council as a Member of Myli; and**
- b. provides that on admission of a fourth Council, amends the funding formula set out in Schedule 3 of the West Gippsland Regional Library Corporation Agreement dated 22 October 2014 as novated to Myli (Library Agreement) as follows:**

In schedule 3, replace the current Funding Formula Table (repeated below);

	Member Council
Annual library site operating costs <i>(including direct salary, building maintenance, utilities, insurances, depot rents and copiers).</i>	100%
Annual Regional Support costs including all ICT.	Per Capita
Property Rental/Capital Costs	Location of service point; 100%
Board Operating Costs	Per Capita
Library Materials	Per Capita

with the following proposed Funding Formula Table:

	Member Council
Annual library site operating costs <i>(including direct salary, building maintenance, utilities, insurances, depot rents and copiers).</i>	100%
Annual Support costs including all ICT.	Equal Share
Property Rental/Capital Costs	Location of service point; 100%
Board Operating Costs	Equal Share
Library Materials	Location of service point; 100%

AND

3. That Council's Chief Executive Officer be delegated authority to execute the Deed of Variation.

REPORT

In July 2021, all three Member Councils of West Gippsland Libraries, unanimously supported the establishment of Myli as a not-for-profit entity and charity to continue to deliver library services across the region. Myli has been working with its lawyers, for over two and a half years to ensure the transition is as smooth as possible. The transition is now in its final stages and the Myli Board, in consultation with legal counsel, have identified two suggested amendments that require Council approval.

The first is to amend an inconsistency between the Council adopted Myli Constitution and the Novated Library Agreement. The Constitution already provides the Board with the delegated authority to admit a new Council however the Novated Library Agreement does not. It's important to ensure there is consistency across these two documents.

The second is to amend the Funding Formula Table in schedule 3 of the Novated Library Agreement. The Myli Board has undertaken an extensive review of scenarios to determine an attractive and affordable formula that supports more Councils to join Myli. The only option that supported established financial goals and principles was to amend 'per capita' to 'equal share' that is only enacted should a fourth Council join Myli.

This report outlines Myli's transition journey, innovations, details about the amendments and the thorough review and analysis undertaken by the Myli Board to date.

This report and its resolution is consistent and being considered by all three Member Councils in July 2022. Due to the legal requirements involved in the process, it is essential that Council adopt the resolution with the exact wording in the recommendation to ensure consistent application for Myli and all three Member Councils.

Myli – Leaders and Innovators

Myli (and previously known as West Gippsland Libraries) is a leader and innovator within the Library sector. It has been providing quality, specialist library services to the Shires of Baw Baw, Bass Coast and South Gippsland for over 25 years, offering extensive benefits to ratepayers and the broader community. Myli has a high reputation that punches above its weight, demonstrated by:

- Myli rates in the top quarter for the number of active members (the member used the service in the last 12 months) as a percentage of the population (PLV annual survey 2020.21).
- Myli patrons who have used the library service in the past 12 months has increased by 16% to more than 25,000 active member users.
- Myli's total membership now exceeds 40,000 and is at its highest level in the past five years.
- Myli rates in the top third of all library services in Victoria according to the VAGO Audit Report into Library Services in 2019 for both core library services and programs and events.
- Myli rated in the top third for attendance at library programs pre COVID-19 (PLV annual survey 2018.19).
- Myli is in the top third for lowest operating cost per opening hour (PLV annual survey 2020.21).
- Myli was the first library in Australia to offer a 24/7 library (just like a 24/7 gym) where members gained increased access and convenience at no additional cost to Council. This attracted much media attention and Myli continues to receive enquires from all over Australia. The service has been incredibly successful, so the Board has since voted to support implementation of the 24/7 service in all libraries as the opportunity arises. Myli now has three 24/7 libraries.
- The 24/7 library has been highlighted as a case study in Infrastructure Victoria's Draft 30-Year Infrastructure Strategy as an innovative means to increase access to "fast, free internet services, leveraging existing library infrastructure".
- Myli was the first library in Victoria to offer an online chat-bot to engage with users.
- Myli has been the first library corporation to transition to a not-for-profit and charity. Other library corporations are now looking to Myli for guidance and expertise.

Transition to a Not-For-Profit

Myli has been working with its lawyers, for over two and a half years on the not-for-profit due diligence and preparation to ensure the transition is as smooth as possible. The journey to transition since Council's unanimous support to create Myli last year has included:

- Company formation and registration with Australian Investments and Securities Commission (ASIC).
- Registration with Australian Charities and Not-For-Profits Commission (ACNC).
- Highly successful launch of Myli to the community on 1 December 2021 that included a four-week communication campaign.
- Transition of public facing systems including the website and Library Management System.
- Preparation for staff to transition their employment from West Gippsland Libraries to Myli on 1 July 2022.
- Development of the [Myli Prospectus](#) to promote Myli as a provider of library services to more Councils.

The transition is now in its final stages and Myli continues its preparation, not only for a smooth transition, but also to ensure it is well placed to support growth as opportunities arise. Highlighted in Council's adopted report last July 2021, there are benefits to Member Councils, ratepayers, and the community by Myli being a not-for-profit and charity. Highlighted benefits include:

- Growth by offering services outside its existing region or to other Councils if, and when, they arise.
- Expanding the revenue base in other areas such as philanthropic funding, donations, and sponsorships from the private sector, to share in or reduce the cost of programs delivered to the community.
- Growing the revenue base provides greater resources and the ability to broaden the products and services offered to users and the community at no additional cost to Council.
- Growth advances the interests of Member Councils and ratepayers to reduce the cost base per capita.

Amendments Required

The Myli Board, in consultation with its lawyers, have identified two suggested amendments that require Council's approval.

The first is to amend an inconsistency between the Council adopted Myli Constitution and the Novated Library Agreement. Council has already provided delegated authority to the Myli Board to admit a new Council as a Member of Myli under its Company Constitution. However, the Novated Library Agreement

does not reflect this and needs to be amended to provide consistency between the two legal documents.

The second is to amend the Funding Formula Table in schedule 3 of the Novated Library Agreement to support the growth of Myli as outlined. Significant analysis has been undertaken by Myli to understand the financial implications for both existing and potential Member Councils to enable the growth of Myli as a library service provider. The existing 'per capita' calculation does not benefit potential Councils seeking to join.

Completed Review

The Myli Board conducted a thorough review in line with Myli's established financial goals that are:

- Operate in a financially sustainable manner.
- Operate within the rate cap and new initiatives that require funding above the rate cap are supported by a well-costed business case.
- Minimise fluctuations in increments (and contributions) from year to year that affect Member Councils.
- Reinvest efficiency savings into strategies identified in the Library Plan and the collection.
- Provide transparency and accountability.
- Leverage external funding and partnerships.

Principles were developed to guide the review that sought to avoid formulas that would fluctuate from year to year, would penalise growth or be considered unfair or unequitable and to ensure any change would benefit all Member Councils.

Analysis of the existing 'per capita' approach found that it would not be considered an attractive proposition for a potential Council seeking to join Myli.

The review considered a wide range of activity drivers across Myli's service operations and departments. Each scenario was costed and modelled to understand the impact to the existing Member Councils and a variety of potential Councils who may seek to join. The review found that the only method in line with the review principles was an equal share method.

The amendment to the Funding Formula table is only enacted should a fourth Council join Myli. This is to ensure that there are benefits to all Member Councils and that no Member Council is worse off as a result of the change.

CONSULTATION / COMMUNITY ENGAGEMENT

There is no consultation requirement for this report as there is no direct impacts on the community.

Myli has liaised with each representative Council through its Board members on these matters.

RESOURCES / FINANCIAL VIABILITY

There are no adverse financial implications to Council by adopting the proposed amendments outlined in this report. The amendments have been proposed for the purpose of supporting the growth of Myli which shares the cost-of-service delivery amongst more Councils than the existing three members. The review and subsequent proposed amendments are underpinned by the principle that no member council is worse off by the change in the funding formula.

RISKS

Policy and Legislative Implications

Myli is governed by ASIC, ACNC and the *Corporations Act 2001* as a not-for-profit and charity following, the changes to the *Local Government Act 2020* that removed Library Corporations (sec 196 *Local Government Act 1989* (1989 Act)) from the 1989 Act. Library Corporations were given a 10-year sunset provision prior to a forced windup/liquidation by the Local Government Minister. Myli was established as a beneficial enterprise by the three Member Councils under section 110 of the *Local Government Act 2020* (2020 Act).

Myli is governed by the Council adopted Company Constitution and the Novated Library Agreement. The two separate legal governing documents work together to govern the Members, the Board, set strategic planning requirements and outline the funding necessary for service delivery. The proposed amendments outlined in this report ensure consistency between the two documents and ensure growth is enabled for the betterment of all Member Councils.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Myli Library - Deed of Variation [4.2.1 - 3 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

4.3. PROPOSED LEASE - LEONGATHA EARLY LEARNING CENTRE - CONSIDERATION OF SUBMISSIONS

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Healthy and Engaged Communities

This report contributes to addressing kindergarten capacity shortfalls identified in the Early Years Infrastructure Plan.

EXECUTIVE SUMMARY

The purpose of this report is to consider the submission for the proposal to lease the Leongatha Early Learning Centre (LELC) to the Leongatha Children's Centre Inc and determine the outcome.

Council resolved to commence a community engagement process at the March 2022 Council Meeting regarding the lease proposal and in response one submission was received objecting to the lease proposal in relation to the value of the lease not at the market rental rate.

RECOMMENDATION

That Council:

- 1. Considers the submission received in response to the community engagement process objecting to the proposal to lease the LELC to the Leongatha Children's Centre Inc.;**
- 2. Having considered the submission, determines to enter into a lease with the Leongatha Children's Centre Inc. in order to support choice and provide ongoing quality access to childcare services for the community including low income and vulnerable families, through collaboration and planning with the community and government that it is considered to be in the public interest**
- 3. Lease the Leongatha Early Learning Centre to the Leongatha Children's Centre Inc on the terms and conditions as publicly advertised; and**
- 4. Writes to the submitter advising of Council's decision and reasons for its decision.**

REPORT

Council resolved to commence a community engagement process for the proposal to lease the Leongatha Early Learning Centre to the Leongatha Children's Centre Inc (LCC). Part of this process was giving public notice in local newspapers and inviting submissions from the community to the proposal.

One written submission was received objecting to the proposal. This submission draws attention to the need for Council to comply with the National Competition Policy (NCP) as the submitter believes rental rate is too low for this particular lease compared to the proposed rental rate "for profit" organisations.

National Competition Policy (NCP)

NCP was introduced in 1995 to implement a program of economic reforms to ensure competitive markets could freely operate in Australia and to avoid anti-competitive practices. Part of this policy aims to ensure that where governments, including local government, provide activities in markets where private businesses also operate, they are competing fairly in those markets. NCP operates on the basis that competitive markets, generally best serve the interests of the community.

In Victoria, the state's commitment under NCP are implemented under the Victorian Government's Competitive Neutrality¹ Policy (CNP) and administered by the Commissioner for Better Regulation.

Council has completed a competitive neutrality assessment of this proposed lease, and also sought legal advice on this matter. It is deemed that Council is compliant with competitive neutrality policy principles.

CONSULTATION / COMMUNITY ENGAGEMENT

An advertisement was placed in the local papers for the week commencing 21 March 2022 seeking community submissions to the lease proposal. One submission was received objecting to the proposal – refer to **Attachment [4.3.1]**.

It is noted that there were no submissions received from private child care operators.

RESOURCES / FINANCIAL VIABILITY

There are no resources required or financial viability issues with the lease. The cost of preparing, issuing, and administering the lease are provided for in the Council's Annual Budget.

RISKS

Documenting defensible reasoning for Council's decision that is based on the best information available is critical to ensure Council is compliant with competitive neutrality.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Submission - Leongatha Early Learning Centre (Objection) [4.3.1 - 1 page]

CONFIDENTIAL ATTACHMENT

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the Local Government Act 2020, s.3(1)(e) - legal privileged information, being information to which legal professional privilege or client legal privilege applies.

Confidential Attachment [14.1.1] – Legal Advice (NCP) – is designated confidential as the information is deemed important to manage a legal matter to which Council is a party.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Direction & Leadership

Communication & Community Engagement

Risk & Compliance

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Council Plan

Kindergarten Infrastructure and Services Plan

Leasing Policy (C62)

Internal Document

National Competition Policy (CE29)

Legislative Provisions

Local Government Act 2020 – s.115

Regional, State and National Plan and Policies

Victorian Government – Victoria Schools Building Authority Program Building Blocks Program

Victorian Government – Competitive Neutrality Policy

5. OBJECTIVE - LEADING WITH INTEGRITY

5.1. INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

Directorate:	Performance and Innovation
Department:	Financial Strategy, Risk and Procurement

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations to Officers with the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

This report recommends that Council adopts an appointment and authorisation for staff member Tahnae McCormack and Jacob Edmondson under the *Planning and Environment Act 1987*.

RECOMMENDATION

That Council resolves that, in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

- 1. The members of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in the instruments and detailed in the report; and**
- 2. The Instruments of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer and remain in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.**

REPORT

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel as well as changes in the legislation.

Two new Instruments are presented for adoption for new Statutory Planning Officers, Tahnae McCormack and Jacob Edmondson, enabling them to fulfil the required duties as Statutory Planning Officers within the Planning & Building Services department.

The Instruments are contained in **Attachments [5.1.1] and [5.1.2]**.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Failure to adopt, update or revoke an Instrument of Appointment and Authorisation could result in a decision of the employee being invalidated or Council being held liable for the actions of former employees.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. S11A Instrument of Appointment - Planning & Environment Act 1987 - Tahnae Mc Cormack - 20 July 2022 [5.1.1 - 1 page]
2. S11A Instrument of Appointment - Planning & Environment Act 1987 - Jacob Edmondson - 20 July 2022 [5.1.2 - 1 page]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

5.2. POLICY REVIEW: PROCUREMENT POLICY (C32)

Directorate:	Performance and Innovation
Department:	Financial Strategy, Risk and Procurement

Council Plan

Objective - Leading with Integrity

The update and review of the Procurement Policy (C32) seeks to align the Policy to the requirements of Council and the Local Government Act 2020.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider and determine the revised *Procurement Policy (C32)* (the Policy). The Policy (refer **Attachment [5.2.1]**) sets the objectives and requirements for all Council procurement to ensure the goods, services and works obtained for Council represents good value for money, considers any procurement risk, and ensures rigour of process commensurate with the value.

The Procurement Policy was adopted by Council in July 2021 and not scheduled for review until July 2024, however, changes in the s5 Instrument of Delegation from Council to CEO triggered a review to update the Policy. The Procurement Team has also taken the opportunity of review to make some further improvements to the Policy and update the formatting to the current Council Policy template. Additionally, under s108(5) of the *Local Government Act 2020* the procurement Policy must be reviewed at least once during each 4-year term of the Council.

RECOMMENDATION

That Council:

- Adopts the revised Procurement Policy (C32) July 2022 contained in Attachment [5.2.1]; and**
- Publishes the Procurement Policy (C32) on Council's website.**

REPORT

This Policy has had the following changes that include:

- The Policy now aligns with the increased financial delegation to the CEO found in the s5 Instrument of Delegation from Council to CEO;

2. The Policy now includes the CEO's ability to approve contracts and expenditure for annual Capital Works Program projects that have been adopted by Council in the Annual Budget;
3. The Policy includes a table of exemptions to clarify some previous points that were silent in the Policy, such as the Contracts for Regional and Public Libraries and the Regional Waste Management Groups; and
4. Included additional provisions around Commercial in Confidence and Non-disclosure terms.
5. The Policy has been subject to some wording changes, some unnecessary information has been removed and the order has been amended to provide improved flow for the reader.

LOCAL PROCUREMENT

The overall objective for Local Procurement is to ensure that Council is optimising its expenditure for the benefit of rate payers and community of South Gippsland. This is an important part of achieving economic prosperity and was endorsed by Council in August 2020 with the report on *Local Procurement for South Gippsland Shire Council*. The principles from this report are included in the Policy regarding the definition of local procurement, including weighting criteria when recommending the preferred tenderer and reporting on local procurement activities to Council.

The Policy went to the Audit and Risk Committee Meeting for review on 14 June 2022. The Audit and Risk Committee recommended the policy with some small additions and changes to be made, which have since been considered and incorporated.

The Policy changes were circulated for comment with the internal Procurement Working Group and suggestions received were incorporated or clarified. The Executive Leadership Team have reviewed and endorsed the Policy changes.

RESOURCES / FINANCIAL VIABILITY

This Policy revision does not require additional financial or labour resources.

RISKS

The Policy revision reduces procurement risk through improved connection to the broader policy framework for code of conduct, disciplinary actions and fraudulent behaviour.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. C32 Procurement Policy July 2022 [5.2.1 - 14 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Council Policy / Strategy / Plans

Documents are available on Council's website: www.southgippsland.vic.gov.au

Procurement Policy (C32)

Legislative Provisions

Local Government Act 2020

5.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 MAY 2022 - 12 JUNE 2022

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions in Council Meetings on behalf of the community.

EXECUTIVE SUMMARY

Council, in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020, section 9(2)(i), s.9(3)(b) and s.58*, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 May and 12 June 2022.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 18 May 2022	
Agenda Topic Discussion for Council Meeting 18 May 2022	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
Rating Differentials	Councillors Attending:

Meeting Title	Details
	<p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Community Leadership Program</p>	<p>Councillors Attending:</p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest: Nil disclosed.</p>
<p>Community Grants Program - Round 2</p>	<p>Councillors Attending:</p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai</p> <p>Municipal Monitor: Prue Digby</p> <p>Conflict of Interest:</p> <p>Councillor Jenni Keerie has declared a material conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as her employer submitted a grant application to the Community Grants Program Round 2, as the Manager she is responsible for the completion of the application. (item not discussed)</p> <p>Councillor Nathan Hersey has declared a general conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as a family member submitted a grant application on behalf of the Loch Arts Council. (Item not discussed)</p> <p>Councillor Sarah Gilligan has declared a general conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as a family member assisted in the development of a grant application on behalf of the Tarwin Lower Mechanics Institute. (Item not discussed)</p>
<p>Wednesday 25 May 2022</p>	
<p>Integrated Planning Session</p>	<p>Councillors Attending:</p> <p>Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Jenni Keerie, John Schelling, Clare Williams</p>

Meeting Title	Details
	<p>Municipal Monitor: Apology Conflict of Interest: Nil disclosed.</p>
Wednesday 1 June 2022	
<p>Draft Aquatic Strategy</p>	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai Municipal Monitor: Apology Conflict of Interest: Nil disclosed.</p>
<p>Foster Infrastructure and Planning Update</p>	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Adrian Darakai Municipal Monitor: Apology Conflict of Interest: The Mayor, Councillor Mohya Davies left the room with a declared general interest in a briefing to Council on the Foster Infrastructure and Planning Update, as she is the Chair for the Prom Coast Centres for Children, which was one of the sites discussed.</p>
Wednesday 8 June 2022	
<p>Agenda Topic Discussion for Council Meeting 15 June 2022</p>	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai Municipal Monitor: Apology Conflict of Interest: Councillor Jenni Keerie has declared a material conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as her employer submitted a grant application to the Community Grants Program Round 2, as the Manager she is responsible for the completion of the application. (item not discussed) Councillor Nathan Hersey has declared a general conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as a family member submitted a grant</p>

Meeting Title	Details
	application on behalf of the Loch Arts Council. (Item not discussed) Councillor Sarah Gilligan has declared a general conflict of interest in Confidential Agenda Item 11.1 PERSONAL INFORMATION - 2021/22 Community Grants - Round 2 as a family member assisted in the development of a grant application on behalf of the Tarwin Lower Mechanics Institute. (Item not discussed)
Integrated Planning Session	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai Municipal Monitor: Apology Conflict of Interest: Nil disclosed.
Caravan Parks Transition	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, Nathan Hersey, Michael Felton, Jenni Keerie, John Schelling, Clare Williams, Adrian Darakai Municipal Monitor: Apology Conflict of Interest: Nil disclosed.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Governance Rules (C82)

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

5.4. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 20 MAY 2022 TO 12 JUNE 2022

Directorate:	Performance and Innovation
Department:	Financial Strategy, Risk and Procurement

Council Plan

Objective - Leading with Integrity

Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 20 May 2022 to 12 June 2022. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Documents Sealed

Under the *Local Government Act 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the Local Law No. 2 2020, Part 9, clause 107(f)(iv) – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal

in a manner prescribed by sub-clause (c), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

'Section 173 Agreements' are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land may be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 20 May 2022 to 12 June 2022.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 1015 Leongatha-Yarragon Road, Hallston in relation to subdivision of land. Seal applied 31 May 2022.

Contracts Awarded, Varied or Extended

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded by Council after a public tender process, signed by the CEO between 20 May 2022 to 12 June 2022.
 - a. Nil
2. Contracts awarded after a public tender process within the CEO's delegation between 20 May 2022 to 12 June 2022.
 - a. CON/316 Internal Audit Services was awarded to Crowe Australasia on 26 May 2022 after a Tender Evaluation Recommendation Report was signed by CEO 22 March 2022
3. Contract variations approved by the CEO between 20 May 2022 to 12 June 2022.
 - a. Nil
4. Contract extensions approved by the CEO between 20 May 2022 to 12 June 2022.
 - a. Panel Contract CON/173 for the Supply / Delivery / Laying of Hot / Cold Bituminous Asphalt Products was awarded to Gippsland Asphalt

Pty Ltd, Fowlers Asphaltting Pty Ltd, A1 Asphaltting Pty Ltd and A1 Asphalt Supplies Pty Ltd. The contract was for a three-year term, commencing on the 1 July 2018, with the option of two 1-year extensions. An extension of 1 year (second year extension option) has been approved, signed by the CEO 24 May 2022.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Governance Rules (C82)

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

6. OBJECTIVE - PROTECTING AND ENHANCING OUR ENVIRONMENT

6.1. DOMESTIC WASTEWATER MANAGEMENT PLAN 2021-2025

Directorate:	Economy and Community
Department:	Community Health and Safety

Council Plan

Objective - Protecting and Enhancing our Environment

The Domestic Wastewater Management Plan will ensure wastewater is managed effectively protecting the environment and the health and safety of the community.

EXECUTIVE SUMMARY

The purpose of this report is to present the *Domestic Wastewater Management Plan 2022-2026 (DWMP)* (refer **Attachment [6.1.1]**) and for Council's consideration and determination of the final document for adoption and implementation.

Council is required to develop a DWMP under State legislation. The DWMP outlines the strategies that Council has to manage domestic wastewater within the municipality, supported by Council's *Wastewater Management Policy (C78)*. It also includes information about the impacts that the management of domestic wastewater can have on public health, economic viability and the environment.

The draft DWMP was released for public consultation between 21 April – 15 May 2022. It was also provided to other statutory authorities responsible for water management including South Gippsland Water (SGW), for feedback and input.

RECOMMENDATION

That Council adopts the Domestic Wastewater Management Plan 2022-2026 (Attachment [6.1.1]).

REPORT

The draft DWMP was released for community consultation from 21 April – 15 May 2022. During this period Council received one response from the Community and feedback from South Gippsland Water (SGW).

These submissions are outlined below.

Community Submission

- Sewer Fish Creek - the DWMP outlines Council's priority townships for sewer connection and summarises Council's advocacy program for the provision of sewer to isolated townships. No change to the Plan is required.

SGW Feedback

- Page 6 – updated the description of South Gippsland Water (SGW) declared sewer districts to emphasize only 'serviced' properties are required to connect to the reticulated sewerage system.
- Page 12 – updated the name of the Tarwin Catchment to reflect the official recognised name of the catchment – Declared Tarwin Drinking Water Catchment.

SGW's Catchment/Water Resource Coordinator, Kerrie Matthews also commented 'that the plan is a marked improvement on the past DWMP so congratulations on this. It was a much clearer and more defined document that we can all work with'.

All suggested changes by SGW were minimal, and the final DWMP document remains largely unchanged.

CONSULTATION / COMMUNITY ENGAGEMENT

The draft DWMP was released for community consultation from 21 April – 15 May 2022, and this included consultation with South Gippsland Water (SGW).

RESOURCES / FINANCIAL VIABILITY

The implementation of the DWMP will be conducted within the existing budget of the Environmental Health Team.

RISKS

Wastewater poses a public health, environmental, legal and economic risk. South Gippsland is an area that prides itself on its natural assets as well as living amenity. Poor wastewater management poses a reputational risk to Council by possibly threatening these values and undermining the municipality's ability to attract more residents, businesses and tourists to the area.

Under the current Ministerial Guideline there are requirements with regard to planning permits in open, potable water supply catchment areas. The guidelines, state the density of dwellings in the catchment should be no greater than one dwelling per 40 hectares (1:40 ha) or eight dwellings per one kilometre radius.

Endorsement of Council's *Domestic Wastewater Management Plan* by South Gippsland Water has allowed for the relaxing of this density requirement.

Failure to implement the DWMP may result in SGW removing their ongoing support for relaxing of this density requirement.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Domestic Wastewater Management Plan 2022 - 2026 - July 2022 [6.1.1 - 32 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 4. Structure, Systems & Policies

Pillar 7. Risk & Compliance

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Domestic Wastewater Management Plan

Legislative Provisions

Environment Protection Act 1994

Environment Protection Act 2017

Local Government Act 2020

Water Act 1989

7. NOTICES OF MOTION AND/OR RESCISSION

Nil

8. COUNCILLOR REPORTS

8.1. REQUESTS FOR LEAVE OF ABSENCE

8.2. COUNCILLOR UPDATES

8.3. COMMITTEE UPDATES

9. URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 26 August 2020, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution. Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's Governance Rules 2020 (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

10. PUBLIC QUESTIONS

10.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, clause 57, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, clause 57.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

10.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at a former Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

A submitter will receive a letter outlining the response to a question after the Minutes have been produced.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

Nil

10.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

Source: [Governance Rules \(C82\)](#) – adopted August 2020.

11. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. Per s.3(1)(g) Agenda items 13.1 PRIVATE COMMERCIAL INFORMATION - Request for Tender - Leongatha Municipal Office Refurbishment (RFT/324), designated as private commercial information,
 - a. being information provided by a business, commercial or financial undertaking that –
 - i. Relates to trade secrets; or
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors tender information submitted for consideration.

12. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 17 August 2022 commencing at 2pm in the Council Chambers, Leongatha.